

CITY COUNCIL MEETING MONDAY, MARCH 12, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Father John Gibbons from St. Margaret's Roman Catholic Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Waltman, District 6

Absent:
Councilor Baez, District 5

Mayor T. McMahon
Managing Director L. Churchill
City Solicitor C. Younger
City Clerk L. Kelleher
City Auditor D. Cituk
Public Works Director C. Jones

PROCLAMATIONS AND PRESENTATIONS

Council Commendations:

Recognizing Irish Heritage Week and the many contributions of Irish Americans- Presented to the Ancient Order of Hibernians

Mayoral Proclamations:

Honoring National Art Month- Presented to the Reading School District

Recognizing MS Awareness Week-Presented to members of the National MS Society

PUBLIC COMMENT

Council President Spencer announced that six citizens were registered to address Council about non-agenda matters. He asked Council if there were any objections to suspending the public speaking rules to allow all citizens to address Council at this point in the meeting. No one objected, therefore, the public speaking rules were suspended.

Marc Hutchinson, of Birch Street, suggested that the City adopt an ordinance advising people of the need to apply for zoning permits for properties intended for rental use.

Lori Knockstead, of Olive Street, described the ongoing disruptions and problems residents in the Albright area face. She described the quality of life problems caused by students living off campus who have no respect for this residential area. She expressed the belief the economic impact created by college students does not equal the burden placed on residential neighborhoods.

Brett Fortley, of Olive Street, noted the negative impact the shift from residential owner occupied to rental has caused in areas surrounding Albright College. He noted that this area of town was built to be family oriented. He suggested that the City step up enforcement of codes and quality of life laws.

George Kline, of N. 14th Street, suggested adopted legislation that would require parties in residential neighborhoods to end by 2 am. He stated that this requirement would follow suit with the restrictions placed on barrooms. He also suggested the City create a Student Party Permit which would make the sponsor responsible for the behavior of their guests and for cleaning up after. He also suggested eliminating the three strikes per year in the Disruptive Tenant Ordinance. He suggested, instead, that these strikes be carried forward. He also noted the need for a Disruptive Landlord Ordinance.

Robin Hess, of Pike Street, explained that the conversion of residential properties to student rentals has caused severe overcrowding in neighborhoods built for family use. She explained that while the average owner occupied residential home only has 2-3 automobiles, student rental properties having 5 students, leading up to 5 + cars. She also described

the problems she's experienced with the inconsistent application of the Disruptive Tenant Ordinance.

Lucy Riegel, of Mulberry Street, noted the positive aspects of the NEAR programs. She explained that the NEAR programs run in churches are unrelated to the religious activities associated with the sponsoring church. She stated that the NEAR program has had a positive impact on children who participate. She requested the Council continue funding the NEAR programs. She invited Council to visit the St. Matthew's NEAR program between 3:30 and 6 pm.

Pat Hatt, of N. 14th Street, expressed the belief that the increase in Albright student population has pushed students out into surrounding residential areas. She noted the appalling conduct created by the students who have no respect for the surrounding community. She described the problems caused by the Albright Administration who are unwilling to discipline those who violate the College Code of Conduct while off campus. She described the disciplinary methods used by other colleges in cooperation with local law enforcement authorities.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the regular meeting held on February 26, 2007. He announced the need to add two resolutions to the agenda as follows:

- Resolution adopting the allocations for the CDBG budget
- Resolution revoking permits for 1718 N. 16th Street

Council President Spencer requested that the award of contract for Maximus Fleet Software be discussed separately.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt the minutes from the February 26, 2007 regular meeting of Council and the agenda as amended. The motion was approved unanimously.

Award of Contract- to MAXIMUS, Inc. in the amount of \$79,440.00 for the purchase and installation of a Fleet Management software package in the City Garage. This contract will be an addendum to an existing contract between MAXIMUS, Inc. and the City of Harrisburg in

accordance with the joint purchasing agreement between the Cities of Reading and Harrisburg **(Public Works)**

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to authorize the award of contract to Maximus Inc. for the purchase of fleet management software.

Council President Spencer inquired about the savings to the City caused by the joint purchase of the software with the City of Harrisburg.

Public Works Director Jones explained that the City will realize savings in employee training and the purchase of the program.

The award of contract was approved by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 4.

Nay: Fuhs, Spencer President – 2.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Drug bust of a cocaine drug ring in Reading and Berks County
- Update on VIPER and security camera program
- Update on the consolidation of the Earl Trust lands

Mayor McMahon noted his intent to meet with Albright officials to attempt to find some solution to the problem of off campus students residing in residential neighborhoods.

Councilor Sterner congratulated all parties who participated in the successful drug bust. He agreed with the need to address problems associated with off campus student housing. He stressed the need for the City and college to keep continuous pressure on students who do not obey quality of life laws.

Councilor Goodman-Hinnershitz congratulated those who partnered to make the drug bust a success. She noted the big business of drug traffic in many American cities. She described the steps taken by other colleges to control off campus student living. She asked the Administration to provide an update in 30 days.

Councilor Marmarou noted the ongoing unwillingness of Albright officials to cooperate and assist with the student housing problem. He suggested that Albright make the same effort as is used by other colleges. He also requested stronger enforcement efforts by the Reading Police Department.

Councilor Fuhs congratulated the Reading Police Department and their partners for the successful drug bust. He requested further discussion on the camera project covering start up costs, expected effect, and civil liberty considerations. He noted that some cities have discontinued the use of security cameras due to the cost and questionable effect. He noted studies showing that use of security cameras only displaces crime. He suggested that the security camera program be discussed with elected officials and community members.

Councilor Waltman agreed with the need for a closer look at the camera project. He also suggested scheduling a housing summit as the City moves forward with the effort to create and amend all housing legislation.

Mayor McMahon noted the decline in the cost of the cameras and the discussions he has had about the use of cameras in cities such as Lancaster, Allentown, and Scranton. He noted that the new broadband technology has reduced the cost of the camera. He suggested Council consider traveling to Lancaster to view the system before the project is discussed.

AUDITOR'S REPORT

City Auditor Cituk thanked all who extended their condolences to the Cituk family due to the passing of his father, Walter Cituk.

Auditor Cituk read the report distributed to Council which covered:

- Update on the 2007 admissions tax
- Update on the 2007 real estate transfer tax
- District Court Summary offense comparison for 2005-2006

Councilor Sterner requested an explanation on drug forfeiture money.

Captain Robert Shafer explained that drug forfeiture money is collected from the sale of materials seized in drug related arrests. He explained that these monies can be used to further drug fighting efforts.

Councilor Goodman-Hinnershitz thanked the Auditor for his report and breakdown on the Magisterial District Justice fines. She noted that these fines reflect the cost of the City's enforcement efforts.

Councilor Waltman thanked the Auditor for his update on property tax revenue. He asked the Auditor to compare the City's property tax revenues against those collected in Allentown and Lancaster.

ORDINANCES FOR FINAL PASSAGE

Bill No. 16-2007 - amending the City of Reading Codified Ordinances by regulating advertisements for the sale of real estate in the City of Reading. **(Waltman/Goodman-Hinnershitz)**

Councilor Marmarou moved, seconded by Councilor Waltman, to enact Bill 16-2007.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to table Bill 16-2007.

Bill 16-2007 was tabled by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – authorizing the submission of a referendum question to define the term “residency” in the City of Reading Home Rule Charter **(Solicitor & Council Staff)**

Ordinance – authorizing the submission of a referendum question to provide neutrality for the Solicitor by requiring that dismissal be approved by the Mayor and Council **(Solicitor & Council Staff)**

Ordinance- increasing the salary of the Police Chief in accordance with Section 706 of the City of Reading Home Rule Charter and Bill No. 22-2002, which established procedures for City Council to provide annual increases to department directors **(Managing Director)**

Ordinance- amending Section 1-271 of the City of Reading Personnel Code by increasing the salary range for the Chief of Police Chief
(Managing Director)

Ordinance- increasing the salary of the Fire Chief in accordance with Section 706 of the City of Reading Home Rule Charter and Bill No. 22-2002, which established procedures for City Council to provide annual increases to department directors **(Managing Director)**

Ordinance- amending the City of Reading Capital Improvements Plan, by substituting new projects for deleted existing projects **(Managing Director)**

Ordinance- amending Chapter 11, Housing, of the City of Reading Codified Ordinances **(Managing Director/Solicitor)**

Ordinance- amending Chapter 20, Part 1 Solid Waste, of the City of Reading Codified Ordinances **(Managing Director)**

Ordinance- adopting a Stormwater Management Ordinance, as required by EPA and DEP **(Public Works)**

Managing Director Churchill asked Council to withdraw the Ordinance increasing the Fire Chief's salary as action was already completed in 2006.

RESOLUTIONS

Resolution 42-2007 – authorizing the execution of a one year action plan for fiscal year 2007 which will reprogram \$1.9 million for eligible and fundable CDBG activities **(Community Development)**

Councilor Fuhs moved, seconded by Councilor Waltman, to table Resolution 42-2007.

Resolution 42-2007 was tabled by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

Council President Spencer announced that Council's Finance Committee will be reviewing this Resolution further at a special finance meeting to occur on Thursday, March 22, 2007.

Resolution 43-2007 - revoking all permits issued to 1718 N. 16th Street (Marmarou)

Councilor Fuhs moved, seconded by Councilor Sterner, to adopt Resolution 43-2007.

Councilor Marmarou explained the problems associated with this property and requested Council support of this legislation which would revoke all related housing permits and business permits that have been issued to the landlord owning this property.

City Solicitor Younger explained that the Administration has proceeded with the enforcement of the related Zoning Ordinances issues. He stated that, although Council can request action by Resolution, the Administration may not respond.

Council President Spencer read the Resolution aloud.

Councilor Waltman agreed with the intent of the Resolution and the overall need to apply pressure to these problem properties.

Council President Spencer expressed belief in the merit of this Resolution but questioned its legality.

Councilor Goodman-Hinnershitz also agreed with the merit of the Resolution but requested further discussion on the best legal strategy.

Councilor Sterner also agreed with the intent of the Resolution and with the ideas presented during the public comment period.

Councilor Fuhs announced his support for the Resolution and asked Councilor Marmarou if he would like further discussion before the Resolution is adopted.

Councilor Marmarou expressed the belief that no further discussion was needed. He stated that it is time for the Administration to address these problem properties.

Managing Director Churchill stated that the Resolution expresses Council's desire. He noted that this property has already entered into the legal enforcement phase. He stated that the legal enforcement phase is the strongest action the City can take. However, he noted his understanding for the spirit of the Resolution.

Councilor Marmarou announced the owner was operating illegally for approximately 3 years. He questioned the Administration's rationale in affording the necessary permits to the owner when the property could have been closed down.

Councilor Waltman expressed the belief that the City needs to stop issuing housing permits until the new Housing Permit Ordinance is adopted.

Resolution 43-2007 was adopted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 5.

Nay: Spencer – 1.

Resolution 44-2007 - authorizing the exoneration of outstanding property taxes, penalties and interest for the year 2006 for 123-125 North 6th Street **(Tax Administration/Solicitor)**

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 44-2007.

Resolution 44-2007 was adopted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

Resolution 45-2007 - authorizing the exoneration of outstanding Property taxes, penalties and interest for the year 2006 for 614 South 15 ½ Street, 632 South 15 ½ Street, 633 South 15 ½ Street and 133 Schuylkill Avenue **(Tax Administration/Solicitor)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to adopt Resolution 45-2007.

Resolution 45-2007 was adopted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

Resolution 46-2007 - eliminating the required funds for façade projects scheduled for the Centre Park Artifacts Bank and the Olivet's Building **(Waltman)**

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 46-2007.

Resolution 46-2007 was tabled by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

Resolution 47-2007 - appointing Dr. Eve Kimball to the Board of Health **(Administrative Oversight)**

The Administrative Oversight Committee moved to adopt Resolution 47-2007.

Councilors Marmarou, Sterner, and Goodman-Hinnershitz noted the quality and enthusiasm of the candidate. They thanked Dr. Kimball for once again stepping forward to serve the public.

Resolution 47-2007 was adopted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

Resolution 39-2007 - authorizing the transfer of Councilman Marmarou's salary **(Council Staff)**

Councilor Fuhs moved, seconded by Councilor Sterner, to adopt Resolution 39-2007.

Council President Spencer asked the City Clerk to explain the recommendation.

City Clerk Kelleher explained that Councilor Marmarou's salary would be transferred to the Public Works Public Property line item to cover a salary increase for the part time maintenance crew working the evening shift at City Hall.

Resolution 39-2007 was adopted by the following vote:

**Yea: Fuhs, Goodman-Hinnershitz, Sterner, Waltman, Spencer
President – 5.**

Nay: None – 0.

Abstain: Marmarou – 1.

COUNCIL COMMENT

Councilor Fuhs announced the upcoming events planned by the Years of Tears group. He urged all to visit the Years of Tears website. He also announced that City Espresso now offers art and antiques for viewing and purchase at their S. 5th Street location.

Councilor Goodman-Hinnershitz noted the effect the collapse of the building of S. 9th Street had on surrounding residents. She requested that a report be given to the public after the investigation is complete. She added that the collapse of this building caused several south side residents to phone in building complaints to the Council office.

Councilor Goodman-Hinnershitz announced the upcoming community meetings. She asked thanked the College Heights Community Council for their tireless efforts to fight the problems created by off campus student housing.

Councilor Sterner thanked all for attending the meeting. He also congratulated those who received commendations this evening.

Council President Spencer inquired if the Reading Police Department's bike patrol has been disbanded.

Captain Robert Shafer stated that those assigned to bike patrol have been moved backed to patrol efforts. He reminded Council that at the

start of 2007 special units were assigned back to patrol to allow the Department to achieve maximum manning. He explained that currently the City only has three bike patrol officers. He stated that additional officers who have completed the training will be moved into the unit when uniforms are available.

Council President Spencer requested the following:

- A breakdown on the expenditure of \$240,000 in 2006 for clean-up of problem properties
- Debt service information
- Weed and Seed update
- Update on the Earl Trust

Councilor Goodman-Hinnershitz noted the need to include the NEAR in the upcoming Finance meeting discussing the CDBG budget.

Council President Spencer asked the Public Works Director how many NEAR centers are currently operating. Public Works Director Jones responded that three NEAR centers are currently in operation which requires an \$80,000 allocation.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to adjourn the regular meeting of Council.

LINDA A. KELLEHER
CITY CLERK